



**TOWN OF FRAMINGHAM**  
**DEPARTMENT OF PUBLIC WORKS**  
**ENGINEERING & TRANSPORTATION DIVISION**

*"Dedicated to  
Excellence  
in Public  
Service"*

PETER A. SELLERS  
DIRECTOR OF PUBLIC WORKS

ABDUL ALKHATIB  
DEPUTY DIRECTOR OF PUBLIC WORKS

JOHN R. BERTORELLI, PE-PLS  
DIRECTOR OF ENGINEERING & TRANSPORTATION

*Received  
5-2-05*

**To:** Thelma Murphy  
**Organization/** U.S. Environmental Protection  
**Address:** Agency  
1 Congress St., Suite 1100  
Boston, MA

**From:** Bill Sedewitz  
**Date:** May 2, 2005

**Re:** NDPES Phase II Small MS4 General Permit Annual Report, Permit No. MAR041116

**Via:** *Mail:* *Overnight:* *Courier:* X

**Enclosed please find:** - Year 2 Annual Report

Per your request

For your use

For your signature

X

Approved

Approved as noted

Returned to you for correction


**Message:**

Please contact me at (508) 620-4844 or [wrs@FraminghamMA.gov](mailto:wrs@FraminghamMA.gov) if you require any additional information.

Thank you.

**Municipality/Organization:** Town of Framingham

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**EPA NPDES Permit Number:** MA R041116

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**MaDEP Transmittal Number:** W-041299

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**Annual Report Number  
& Reporting Period:** No. 2: May '04 – April '05

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## **NPDES PII Small MS4 General Permit Annual Report**

### **Part I. General Information**

**Contact Person:** George P. King Jr. **Title:** Town Manager

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**Telephone #:** 508-620-4811 **Email:** gpk@FraminghamMA.gov

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### **Certification:**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**Signature:** |



n has completed the required self-assessment for Permit year two and find that our municipality is in  
it condition; however, the following departure from the July 2003 Stormwater Management Plan should be

**Detection & Elimination** – The April 12, 2004 letter from D.E.P. allows the Town to develop a combination  
partmental approaches to achieve significant environmental storm water benefits. The Department of Public  
e local Conservation Commission and S E A Consultants will be continuing the development of illicit  
detection and by-law language prohibiting discharges to storm drains through public awareness. S E A  
ts have performed preliminary investigations of illicit discharges and will develop a coordinated plan with the  
nt of Public Works for elimination of these illicit connections in the coming year.

Minimum Control Measures

Outreach

	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 and 2 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 3
Community Outreach	SuAsCo/ Framingham DPW	Distribution of Storm Water Flyer to 25% of municipal households. Compile municipal and watershed Storm Water survey results.	The stormwater flyer was distributed with the water and sewer bills to 17,585 customers in July 2004.	
Public Works	SuAsCo	Develop and distribute lesson plan. Teach lesson plan in one Grade 5 classroom.	The Grade 5/6 lesson was distributed to the four public middle schools and one of the two parochial grade schools. The lesson is expected to be taught in April and May 2005.	The schools will be encouraged to teach this lesson plan again in 2006.
Business Outreach	SuAsCo	Distribute stormwater flyer to selected businesses.		Distribute flyer to auto shops, gas stations, commercial and retail operations with parking lots, lawn care companies, restaurants, construction and development companies.


und Participation

	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 and 2 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 3
	SuAsCo/ Framingham, DPW	Circulate storm water traveling display at three locations in the community for 3 months. The storm water display will also be used in future permit years for posting in public places or at storm water events.	Storm Water display has been located at the Framingham Town Hall lobby, and the Framingham library (Lincoln St.) The location of these displays are rotated throughout the Town.	Continue display relocation at three locations for a three month period. Participate with SuAsCo in Storm
	SuAsCo	Hold a stormwater poster contest for 5 <sup>th</sup> and 6 <sup>th</sup> grade students.	The entry deadline for submitting posters is May 16, 2005.	
	SuAsCo	Hold a stormwater photo contest for high school students.		Conduct photo contest for high school students.


ction and Elimination

	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 and 2 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 3
aw	Framingham DPW/Conn Comm	Develop by-law language to prohibit discharges to storm drains. Develop a plan to continually detect and eliminate illicit discharges.	Preliminary illicit discharge investigations were performed.	Develop illicit discharge elimination program and by-law.


Stormwater Runoff Control

	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 and 2 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 3
Stormwater	Framingham DPW/Conn Comm	Modify the Zoning By-Law to include reference to DEP Storm Water Management Policy	April 2004 town meeting Art 34. Erosion Control (Fig. 1) and Art. 35. Earth Removal (Fig. 2) to amend Sec. IV, Special Regulations, Subsection H of Zoning By-Law, which includes reference to DEP Storm Water Management Policy.  Standard details for stormwater management systems were drafted.  April 2005 town meeting Art. 39 Land Clearing (Attachment 1) to amend Sec. IV, Special Regulations, Subsection H of Zoning By-Law.	Establish procedures for site inspections and enforcement.


ormwater Management in New Development and Redevelopment

	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 and 2 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 3
in  for es	Framingham DPW/Conn Comm	Modify the Zoning By-Law to include reference to DEP Storm Water Management Policy.  Develop an inspection and evaluation procedure for existing structural BMP's.	Zoning By-Law (Sec. IV.I.6.b.2) amendment includes reference for compliance to latest state and federal Best Management Practices.  Current DPW inspection and evaluation procedures for existing BMP's were summarized in the Year One report.  S E A Consultants performed a conditional assessment on central portions of the stormwater system and each drainage sub-system within Framingham. Those efforts are the basis for a strategic plan to perform systematic improvements to the Town's infrastructure.	Implement the recommendations of the stormwater master plan. Implement the inspection and evaluation procedure for existing BMP's.






otal Maximum Daily Load (TMDL) Waste Load Allocations (WLA) <<if applicable>>

	Responsible Dept./Person Name	Measurable Goal(s)	Progress on Goal(s) – Permit Year 1 and 2 (Reliance on non-municipal partners indicated, if any)	Planned Activities – Permit Year 3
			DEP has not released the TMDL report and targets for the Sudbury River.	Once the TMDL report is released by DEP, develop plans to obtain the goals.


**Information Collected and Analyzed**

490 outfalls was collected and analyzed by Rizzo Associates, Framingham, MA. In 2004, S E A Consultants mapped and conditionally assess the Town’s drainage system. Based on GPS location, as-built record drawings 2,365 drainage structures and 12,254 conveyance systems have been identified and mapped in a GIS system. Features include: manholes, catch basins, outfalls, culvert inlets and outlets, and other such system features. Conveyance systems include ditches, swales, culverts and infiltrators. Concurrent with the mapping efforts, S E A performed conditional assessments of conveyance systems (i.e. large diameter pipes and centralized drainage swales), and conducted water quality monitoring at various locations.

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# COMMONWEALTH OF MASSACHUSETTS

## TOWN OF FRAMINGHAM

MIDDLESEX, SS

### TOWN ELECTION AND MEETING WARRANT

To Steven B. Carl, one of the Constables of the Town of Framingham,

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the Inhabitants of the Town of Framingham qualified to vote in Elections and Town Affairs to meet at the following polling places:

Precinct 1	Hemenway School, 729 Water Street
Precinct 2	Potter Road School, 492 Potter Road
Precincts 3, 5	King Administration Building, 454 Water Street
Precincts 4, 7	Brophy School, 575 Pleasant Street
Precincts 6, 9	Juniper Hill School, 29 Upper Joclyn Avenue
Precincts 8, 13	McCarthy School, 8 Flagg Drive
Precincts 10, 11	Keefe Technical School, 750 Winter Street
Precincts 12, 14	Memorial Building, 150 Concord Street
Precincts 15, 18	St. Tarcisius Parish Center, 562 Waverley Street
Precincts 16, 17	Woodrow Wilson School, 169 Leland Street

**On Tuesday, April 5, 2005**

From 7:00 AM to 8:00 PM to bring in their votes in the Annual Town Election for the following offices:

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**Sponsor: Board of Selectmen**

**ARTICLE 36**

To see if the town will adopt an Urban Center Financing Plan and designate an Urban Center Financing District where Housing Tax Increment Finance Agreements can be awarded.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**ARTICLE 37**

To see if the Town will vote to: (a) approve the form of the Tax Increment Financing (TIF) Agreement between Framingham Acquisition and the Town of Framingham for the building at 111 Concord Street (Map 4, Block 8, Lots 5, 6, 7, 8, 9, 17, 25 & 26) and TIF Plan including designation of a TIF Zone as described in the TIF Plan, both on file with the Board of Selectmen and Town Clerk; (b) authorize the Board of Selectmen to execute the TIF Agreement, and any documents relating thereto, and to take such other actions as are necessary or appropriate to implement those documents; and (c) authorize the Board of Selectmen to approve and certify proposed projects as provided in the TIF Plan and to apply to the Economic Assistance Coordinating Council of the Commonwealth of Massachusetts under the Economic Development Incentive Program for approval and designation of the Framingham Arcade Economic Opportunity Area, TIF Zone, TIF Plan, and any such certified projects, and take such other and further action as may be necessary or appropriate to carry out the purposes of this article; or take any other action relative thereto.

Pass any vote or take any action relative thereto.

**Sponsor: Board of Selectmen**

**ARTICLE 38**

To see if the Town will vote to amend Section IV., Special Regulations, of the Zoning By-Law of the Town of Framingham by adding a new Section IV.P. Active Adult Housing to allow by special permit Active Adult Housing, as described in the background materials.

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To see if the Town will vote to amend Section IV., Special Regulations, Subsection H., Supplemental Regulations, of the Zoning By-Law of the Town of Framingham by adding a Section IV.H.4. Land Clearing to regulate by special permit land clearing activities, as described in the background materials.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board**

#### **ARTICLE 40**

To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money for the purposes of designing a Town Master Plan for the Town of Framingham pursuant to MGL Chapter 41, Section 81D, as described in the background materials.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board**

#### **ARTICLE 41**

To see if the Town will vote to accept the provisions of MGL Chapter 44, Section 55C, relating to the establishment of a Municipal Affordable Housing Trust Fund to administer funds collected under the Affordable Housing By-Law, as described in the background materials.

Pass any vote or take any action relative thereto.

**Sponsor: Planning Board**

#### **ARTICLE 42**

To see if the Town will vote to amend Section IV.O., Affordable Housing, subsection d. Handling of Cash Payments, of the Zoning By-Law of the Town of Framingham to provide for the administering of funds collected pursuant to a Municipal Affordable Housing Trust Fund, as described in the background materials.

## ARTICLE 39

To see if the Town will vote to amend Section IV, Special Regulations, Subsection H., Supplemental Regulations, of the Zoning By-Law by adding a new Section IV.H.4., Land Clearing, as stated below.

### 4. Land Clearing

#### a. Purposes

The purposes of this bylaw are to: protect the health, safety and property of the residents of the Town of Framingham by regulating clearing activity associated with land development and preserving existing trees and vegetation, preventing erosion and sedimentation of inland wetlands, ponds and other waterbodies, controlling stormwater runoff, and minimizing fragmentation of wildlife habitat.

#### b. Definitions

**Clearing** - Removal or causing to be removed, through either direct or indirect actions, trees six inches (6") in diameter or larger at four feet above the ground and shrubs at four (4') feet tall or taller. Actions considered to be clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

**Hazardous tree** - A tree with a structural defect or disease, or which impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as verified by a certified arborist or Town Tree Warden.

**Land Clearing Special Permit** - A special permit issued by the Planning Board authorizing land clearing activity.

**Specimen tree** - A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic/cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a diameter of 12 inches at 4 feet above the ground or larger is eligible to be considered a Specimen tree. Trees that have a small height at maturity or are slow growing, such as flowering dogwood or American Holly with a diameter of six inches (6") at 2 feet above the ground or larger are eligible to be considered specimen trees.

**Significant forest community** - Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat areas.

#### c. Applicability

(1) Land Clearing Permit: A Land Clearing Special Permit shall be required for any clearing activity of more than 40,000 square feet in the aggregate, unless specifically exempted under Section 4.e. of this bylaw.

(2) Non-avoidance by phasing: A development shall not be segmented or phased in a manner to avoid compliance with this By-Law. The land clearing shall be considered as part of a single development if located either on a single parcel or contiguous parcels of land that have been in the same or common ownership at any time subsequent to the date of adoption of this Section IV.H.4. Land Clearing. The By-Law shall also be enforceable against purchasers of land previously held in common ownership with land that received, after the date of adoption of this

**e. Exemptions**

The provisions of this bylaw shall not apply to the following activities:

- (1) Removal of Hazardous trees, as defined herein;
- (2) Routine maintenance of vegetation and removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, to contain invasive or noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) - approved Forest Management Plan, or Conservation Commission Order of Conditions, or to remedy an identified fire or health hazard or threat to public safety or property;
- (3) Construction and maintenance of public and private streets and utilities within approved roadway layouts and easements;
- (4) Agricultural activities in existence at the time this bylaw is adopted, work conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan or agricultural uses on parcels of land of more than five acres as specified in MGL c. 40A Sect. 3.(5) Non-commercial cutting for fuel, provided that clear-cutting does not occur as provided herein.

**f. Application Requirements**

Unless determined otherwise by the Planning Board the following submittals are required at the time of application:

- (1) A survey of existing vegetation in areas of proposed land clearing activities conducted by an individual qualified through appropriate academic credentials and field experience.

The survey of existing vegetation shall include the following information on an accompanying plan:

- (a) major upland vegetational communities , including trees, shrub layer, ground cover and herbaceous vegetation;
  - (b) size and height of trees, noting Specimen trees and/or forest communities;
  - (c) location of any rare and endangered species as mapped by the Massachusetts Natural Heritage Program;
- (2) A general description of the vegetational species on the entire site.
- (3) Submission of a scaled plan of the project site adequately showing existing and proposed contour lines at intervals of not more than 2 feet prepared by a registered civil engineer or land surveyor.
- (4) Soil survey or soil logs indicating predominant soil types on the project site, including information on erosion potential from the Soil Conservation Service.
- (5) Delineation of all bodies of water, including wetlands, vernal pools, streams, ponds, and coastal waters within 125 feet of the project site/limit of work and delineation of the 100-year floodplain.
- (6) Submission of a scaled plan adequately indicating the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. The plan or accompanying narrative shall document the species and



(10) The applicant shall make all requests for waivers in writing. The Planning Board may require the applicant to submit supporting technical information and documentation to demonstrate why such waiver/s should be granted. The Planning Board's decision to grant or deny waivers shall be in writing and shall set forth the reasons for the grant or denial.

**g. Review Standards**

The applicant shall demonstrate that the development of the site minimizes the impact of land clearing by:

- (1) Preserving natural topography to reduce unnecessary land disturbance and to preserve natural drainage patterns on the site.
- (2) Planting non invasive and native vegetation in disturbed areas as needed to enhance or restore wildlife habitat.
- (3) Protecting hilltops and/or scenic views through siting of buildings, structures, or parking facilities away from the crest of hills in a manner not to detract from the site's scenic qualities.
- (4) Protecting wildlife habitat to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.
- (5) Protecting archaeological and historical resources by requiring that Applicants submit a response from the Massachusetts Historical Commission (MHC) and the Framingham Historical Commission regarding the potential for archaeological or historical resources on the site.
- (6) Preserving open space and Specimen trees on the site in the design of a development giving priority to retention of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and Specimen trees.
- (7) Preserving understory vegetation within the dripline of trees in an undisturbed state.
- (8) Preserving forested areas to the maximum extent feasible if they are associated with:
  - (a) significant forest communities as defined herein;
  - (b) wetlands, waterbodies and their buffers;
  - (c) critical wildlife habitat areas;
  - (d) slopes over 25 percent.
- (9) Designing and delineating development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing.
- (10) Designating areas for temporary uses such as the parking of construction vehicles, trailers, and stockpiling of equipment and materials.
- (11) Protecting the site during construction through adequate site management techniques, erosion and sedimentation controls and earth removal controls as specified in Sections IV.H.2. and 3. of the Framingham Zoning By-Law. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up.

phased clearing. The determination of the Planning Board pursuant to this By-Law cannot be altered by means of a variance.

- i. The Planning Board may deny a Land Clearing Special Permit if it determines:**(1) The requirements of 4.g.(1) – (13) above are not met, or
- (2) The intent of the application is to circumvent other provisions of the Town’s zoning bylaws or regulations.

**j. Required Security**

The Planning Board may require a performance guarantee in a form acceptable to the town to cover the costs associated with compliance with this bylaw under a Land Clearing Special Permit.

**k. Enforcement**

The Planning Board and the Town of Framingham shall have the power and duty to enforce this bylaw, regulations hereunder and special permits.

**l. Severability**

Any determination that a provision or set of provisions in this Section, Section IV.H.4., are invalid or unenforceable shall not render ineffective, unenforceable, or inapplicable the remainder of this Section.